

Message Text

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ACTION AF-18

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FM AMEMBASSY TANANARIVE

TO SECSTATE WASHDC 6494

C O N F I D E N T I A L TANANARIVE 1227

E.O. 11652: GDS

TAGS: CASC, MA (REPPAS, GEORGE)

SUBJECT: W/W REPPAS

REF: TANANARIVE 883 AND 986

1. CONSULAR OFFICER MET WITH REPPAS' LAWYER RAVONY AFTERNOON AUGUST 14 TO DISCUSS APPEAL BEFORE SUPREME COURT. RAVONY TOLD CONSULAR OFFICER THAT CASE WOULD BE HEARD BY COURT SEPT 3, AND DECISION SHOULD COME SHORTLY THEREAFTER. IN ABSENCE OF LEBEL, RAVONY HAD PROMISED REPPAS TO ARGUE CASE.

2. CONSULAR OFFICER ASKED RAVONY WHAT HE THOUGHT OUT-COME WOULD BE. RAVONY SAID THERE WAS LITTLE QUESTION THAT DECISION WOULD BE UNFAVORABLE TO REPPAS. COURT IS COMPOSED OF FIVE MEMBERS, ONE OF WHOM IS RAPPOREUR WHO ACTUALLY WRITES DECISIONS. ALTHOUGH TECHNICALLY COURT MEMBERS COULD VOTE INDEPENDENTLY, THEY USUALLY VOTE UNANIMOUSLY, MAINLY THROUGH LAZINESS, RAVONY SAID. OTHER MEMBERS OF COURT USUALLY DO NOT READ CASES AT ALL, RAVONY SAID. HE CLAIMED THAT HE HAS ALREADY SEEN RAPPOREUR'S OPINION WHICH IS UNFAVORABLE. OPINION WAS WRITTEN UNDER CONSIDERABLE PRESSURE, RAPPOREUR TOLD RAVONY.

3. IN RESPONSE TO CONSULAR OFFICER'S QUESTION ON CHANCES
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FOR FAVORABLE DECISION, RAVONY SAID THAT CHANCE EXISTED

BUT IS VERY SLIGHT INDEED. GOVERNMENT'S LAWYER IN CASE, MINISTRE PUBLIQUE, HAS WRITTEN REPORT FAVORABLE TO REPPAS AND IT TOO WILL BE PRESENTED SEPT 3. RAVONY SAID THAT IT WAS VERY DOUBTFUL, HOWEVER, THAT SUPREME COURT JUDGES WOULD BOTHER TO READ THIS REPORT, EITHER.

4. CONSULAR OFFICER ASKED RAVONY WHY MINISTRE PUBLIQUE HAD BEEN PERMITTED TO WRITE FAVORABLE REPORT IF GOMR HAD PRESSURED RAPPOREUR TO WRITE UNFAVORABLE DECISION. RAVONY THEN EXPLAINED THAT IT WAS NOT GOVERNMENT THAT WAS PRESSURING RAPPOREUR BUT "CERTAIN INTERESTED PARTY." WHEN PRESSED TO IDENTIFY PARTY, RAVONY FINALLY ASSERTED IT WAS PROCALS, VICTOR RAMANITRA. RAVONY ALSO TOLD CONSULAR OFFICER THAT FIRST PRESIDENT OF SUPREME COURT, EDILBERT RAZAFI DRALAMBO, HAD TOLD HIM THAT HE ALSO HAD BEEN VLS#DECISION UNFAVORABLE TO REPPAS. RAVONY WENT

ON TO SAY THAT WHAT SURPRISED HIM WAS NOT IMPROPRIETY OF RAMANITRA'S ACTIONS, BUT UNEXPLAINED MOTIVES FOR SUCH ACTION.

5. EMBASSY COMMENTS:

A. EMBASSY SOUGHT RAVONY'S VIEWS ON SUPREME COURT APPEAL BECAUSE HE HAS PROVEN QUITE ACCURATE IN PREDICTING OUTCOME OF PREVIOUS LEGAL PROCEEDINGS IN REPPAS CASE.

B. IF WHAT RACONY SAYS ABOUT RAMANITRA IS TRUE, MOST LIKELY MOTIVATION FOR RAMANITRA IS FINANCIAL, BUT AS INDICATED IN REFTELS, COURSES OF ACTION OPEN TO U.S. GOVT REMAIN SAME, I.E., USE OF LEGITIMATE MEANS.

CM TIMING OF APPROACH TO GENERAL RAMANANTSOA BY AMBASSADOR (STAE 176686) IN TERMS OF DATE OF SUPREME COURT DECISION IS PROBABLY NOT OF GREAT SIGNIFICANCE. MAKING APPROACH BEFORE DECISION IS ANNOUNCED WOULD PROBABLY RESULT IN GENERAL'S ASKING AMBASSADOR TO AWAIT SUPREME COURT DECISION. MAKING APPROACH IMMEDIATELY AFTER DECISION CONFIDENTIAL

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ANNOUNCED COULD RESULT IN REQUEST FOR DELAY BY HEAD OF GOVT SINCE ISSUE WOULD BE IN PUBLIC EYE. MENDENHALL

NOTE BY OC/T: #AS RECEIVED.

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